Secth. H-37—40,000—14-10-36.

Home (1937) Department.

GS SERIES.

G.O. No 3076

DATED 6 8 937

[Despatch Abstract.]

MEMORIAL - K. Krishna Bhatji, Clerk and shorthand writer, District Munsif's Court, Kudappah - Permission to draw shorthand allowance as personal pay - Rejected.

C.F. 60.

DEPARTMENT.

21/

Received 20 JUL 1937 192 . *Registered* 192

ASSISTANT SECRETARY TO GOVT. HOME DEPARTMENT

Subject.

Enclosures.
No .....
.....
Spare copies .....

R.O.C. No. 1241/37 D2.

Station Madras. *Dated the* 16th July 1937.

From (Name) M.R.Ry R.Jayaram Ayyar Avergal, M.A.,B.L.,

(Designation) Vacation Officer, High Court, Madras.

To The Secretary to the Government of Madras,

Home Department.
(with enclosure).

Sir,

Memorial addressed to the Government of Madras- K.Krishna Bhaṭji, clerk and Shorthand Writer, District Munsif's Court, Kundapur, South Kanara.

Reference: G.O.No.Ms.,2219 Home department dated 10-6-1937.

I am directed to forward herewith for the orders of Government a memorial (in original) addressed to the Government of Madras by K.Krishna Bhaṭji clerk and Shorthand Writer, District Munsif's Court, Kundapur.

I have the honour to be,
Sir,
Your most obedient servant.

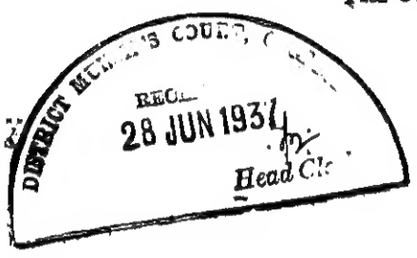
R. Jayaram.
Vacation Officer, High Court, Madras.

MGR.

To

The GOVERNMENT of MADRAS.

Through



The District Munsif of Kundapur,

The District Judge of South Kanara, and

The Hon'ble the High Court, Madras.

Humble memorial of K. Krishna Bhatji, Clerk and Shorthand Writer, District Munsif's Court, Kundapur, South Kanara.

Dated 28th June 1 9 3 7.

May it please the benign Government,

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P. 13

His Excellency the Governor of Madras having declined to entertain the memorial (vide G. O. No. Ms. 2219 dated the 10th June 1937 - copy enclosed), the memorialist begs leave to submit this memorial to the Government to avail himself of the necessary remedy.

2. The memorialist is a permanent clerk and shorthand writer of the District Munsif's Court, Kundapur, in the District of South Kanara.

3. The memorialist is drawing at present a substantive pay of Rs. 48-8-0 and a special pay of Rs. 25-0-0 for shorthand work. He has been in receipt of this rate of special pay since February 1930.

4. The memorialist has qualified himself for promotion to the upper division and other posts in the Department by passing the requisite special tests.

5. That, by virtue of his seniority in service, he was promoted for the first time in October 1935, as acting Deputy Nazir of the District Munsif's Court, Karkal, and as acting Head Clerk of the District Munsif's Courts of Mangalore and Puttur in November 1936 and January 1937 respectively and has reverted back to his substantive post at the end of March 1937.

6. Except for the months of February and March 1937, the memorialist was drawing a salary of Rs. 70-0-0 (Rs.55/- plus Rs. 15/- personal pay), while acting as Deputy Nazir and Head Clerk, the same being the maximum of the basic scale of pay of the posts, under the last sentence of paragraph 3(iii)(c) of G. O. No. 783, Public (Services), dated 20th September 1933. (A)

7. The District Judge of South Kanara in his Official Memorandum dated the 8th February 1937 (Dis. No. 845/10-2-1937) directed that personal pay should not be drawn in future to shorthand writers promoted as upper division clerks until the matter is finally decided by the Government. (not sent)

8. This order appears to have been issued by the District Judge on account of the objections raised by the Accountant-General for the drawal of personal pay in the case of some of the shorthand writers promoted as upper division clerks in the District.

9. There has been no such objections raised by the Accountant-General in the case of the memorialist and therefore the general direction contained in the official

memorandum of the District Judge, quoted above, is ultra vires.

10. The objections of the Accountant-General appear to be based on the interpretation put on the last sentence of paragraph 3(iii)(c) of G. O. No. 783, Public (Services), dated 20-9-1933.

11. The Accountant-General appears to hold that to enable a shorthand writer promoted to upper division to - draw personal pay, he should be actually engaged in shorthand work and that there should be no other shorthand writer drawing special pay in the same office.

12. This objection is clearly against the spirit of the G. O., which expressly directs that it is a waste of - power and public money to employ an upper division clerk on shorthand work, so that the first part of his objection becomes untenable.

13. As regards the second part, the shorthand writer promoted to the upper division draws only personal pay, -- which will be absorbed in increments under Fundamental Rule 37, and not special pay.

14. Even if it be held that the shorthand writer -- draws only special pay as personal pay, the memorialist -- begs to submit that, whereas by reason of his qualifications by the Higher Grade he is entitled to draw it at the rate - of Rs. 25-0-0 per mensem, he has to reduce himself to only Rs. 15-0-0 and still less as increments accrue to him in the Higher post for the same amount of work.

15. It cannot be gainsaid that the post vacated by

the memorialist by reason of his promotion would be filled by persons q-ualified in shorthand, who will draw special pay, and the very object of the grant of personal pay will thus be frustrated. It will be much more so, if the memorialist is promoted to another office, where there is already a shorthand writer drawing special pay.

16. The accountant-General himself, in his letter No. Jus. T. Ram/1-735 dated 8-1-1932/T6 section communicated with High Court P. Dis. No. 61/1932 dated 18-1-1932, has held that this special pay has been classed as pay under Fundamental Rule 9(21)(a) and as such his present objections are in conflict with it.

17. Though in G. O. No. 783, this special pay has been classed as Class II special pay, it cannot affect -- those, who were drawing it as Class I special pay long -- prior to the G. O.

18. Promotion, as a rule, is almost always coupled with increase in pay. Even apart from the present objections of the Accountant-General, the memorialist looses Rs. 3-8-0 on promotion and if the objections are upheld the memorialist will be loosing Rs. 18-8-0, which is too hard a blow on a poorly paid Government servant. The memorialist submits that this asp-ect of the case may not be in the view of the Government in G. O. No. 783.

19. It is not the intention of the benign Government that a shorthand writer should not aspire for promotion in service. Promotions are a reward, in fact, for long and unblemished service. What is the reward then that memorialist can expect on promotion under conditions above --

stated? In his own post, the memorialist will be entitled to draw up to a maximum of Rs. 60-0-0 as substantive pay plus Rs. 25-0-0 as special pay, in all Rs. 85-0-0; but on promotion to the upper division, apart from any increase in emoluments, he will be a loser and the loss will be increased as years go by.

20. It is an admitted fact that the duties of a shorthand writer are very arduous and leave him no rest or respite. If, in spite of it, he is to be deprived of emoluments on promotion, he will be forced to remain a shorthand writer till the end of his service.

21. In this connection, the memorialist most humbly begs to bring to the notice of the Government that, though the memorialist was long ago qualified for promotion, yet, for want of shorthand writers at the time, the memorialist was not promoted to the upper division till 1935, but three juniors to him, viz. Messrs. N. S. Upadhyaya, K. R. Shanbhogue and P. Rama Rao, were promoted, and thus have now become entitled to the old scales of pay. Even now, two juniors to the memorialist (as would be evident from the gradation list - all the seniors qualified candidates to the memorialist having secured permanent chances in the upper division) are continuing to act in the upper division, in spite of the fact that his reversion from his officiating appointment as Head Clerk of the District Munsif's Court, Puttur, has been brought to the notice of the District Judge. The continuance of these juniors is irregular. A copy of the order received from the District Judge in the matter is enclosed.

22. The memorialist further begs to submit that his promotion has not been withheld; on the other hand, the service of the memorialist has been an unblemished one.

23. That, out of the three juniors, who are eligible to the old scales of pay in the upper division, - one (Mr. N. S. Upadhyaya) has become entitled to draw the old scale of pay even as Translator and Central Nazir of the District Court, as he was given promotion - overlooking the claims of qualified seniors. The service of all these juniors in any of the upper division posts, so long as they are in contravention of the Statutory provisions and not with regard to strict seniority, cannot give them any beneficial advantage over the memorialist. The provisions of G. O. No. 847, Public (Services), dated 27-5-1935 may also be kindly ~~xxxxx~~ perused and applied in the case of these juniors.

24. On a kind and sympathetic consideration of the foregoing facts, the memorialist humbly prays that the benign Government may be graciously pleased to permit the memorialist to draw the pay, including special pay, which he is drawing in the lower division, on promotion to the upper division, or at least the maximum of the basic scale of pay of the post under the provision contained in the last sentence of paragraph 3(iii)(c) of G. O. No. 783, and also entitle him to the old -- scale of pay in the upper division. The Government may also be pleased to direct that the service put in by his juniors, named above, may not be allowed to --

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count towards their probation or increments.

Memorialist.

GOVERNMENT OF MADRAS.

Abstract:

Memorials addressed to His Excellency the Governor - K. Krishna Bhatji and R.V.Rangan of the District Munsif's Court, Puttur, Rejected.

Home Department.
G.O.No.Ms.2219 dated 10th June 1937.
Read the following paper:-

From the Registrar, High Court, R.O.C. No.1241/37 D-2 dated 13th May 1937.

ORDER:-The memorialists should be informed that His Excellency the Governor declines to entertain their memorials since they have not availed themselves of the remedies provided for their cases.

2. Orders in respect of the other two memorials addressed to the Government of Madras and forwarded with the High Court's letter cited above, will issue separately.

(By order of His Excellency the Governor)
H. M. Hood, Secretary to Government.

R.O.C. No.1241/37 D-2. Communicated to the District Judge of South Kanara with reference to his letters Dis.Nos.1704 and 1707 dated 20-3-1937.

High Court of Judicature,
Madras, 16th June 1937.

Sd. S. Appasami Pillay,
for Vacation Officer.

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True copy of communication to K. Krishna Bhatji - Clerk and Shorthand writer.

District Munsif Court. Coondapoor. through the District Munsif of Coondapur.

DISTRICT MUNSIF'S COURT, C...
RECEIVED
26 JUN 1937

District Munsif's Court,
Puttur
Dated 24th June 1937

B. Ch. N. Rai
District Munsif

Forwarded.

District Munsif's Court,
Kundapur.
Dated 27th June 1937.

By Order,

Head Clerk.

Dis. No. 3582/26-6-37.

Proceedings of the District Judge of South Kanara, the 26th June 1937.

Present:- M. Venkataramayya, Esquire, B.A., B.L.,
District Judge.

Read:- Letter Dis. No. 1126 dated the 24th June 1937 from the District Munsif of Kundapur forwarding an application dated 24-6-1937 of K. Krishna Bhatji, Shorthand writer of his Court, for the grant of a copy of the order passed on his application for promotion.

Order.

The applicant is informed that the matter will be disposed of by the permanent Judge.

(Signed) M. Venkataramayya,
District Judge.

To the District Munsif of Kundapur for communication to the applicant.

True copy communicated to K. Krishna Bhatji.

District Munsif's Court,
Kundapur.
Dated 28th June 1937.

By Order,
Head Clerk.

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HOME (E) DEPARTMENT.

7113 E 37 From the High Court, R.O.C.No.1241-37-D-2 d. 16.7.37.

....

MEMORIAL - K.Krishna Bhatji, clerk and shorthand writer, District Munsif's Court, Kundapur - Permission to draw shorthand special pay as personal pay after promotion.

...

A.S.

In March 1937, Mr.K.Krishna Bhatji, memorialised H.E. the Governor, and requested that he might be permitted to draw the special pay for shorthand, as personal pay, on promotion to higher posts. - H.E. declined to entertain the memorial ~~[illegible]~~ as the memorialist had not availed himself of the remedies provided for his case e.g., memorial to Government.

2. For a summary of the facts of the case, please see paras 2 and 4 at pp.10-11 of G.O.No.2219 Home d. 10.6.37. The memorialist has put in the same - request in the present memorial. It may be noted that in two other similar cases, the Government held that the request was inadmissible, and the petitions were - rejected.

For orders whether the request in the present case may be ~~[illegible]~~ similarly declined.

3. The memorialist further represents that certain others who were junior to him were promoted to higher grades ~~in contravention of the orders in G.O. No.[illegible] P.S. d. [illegible]~~ irregularly, and that he was not promoted, as there were not others who could do shorthand work. He had appealed to the District Judge against his - supersession, and the latter had replied that the - matter will be decided by the permanent judge. The memorialist may perhaps be informed that he may come

up to X Government (if necessary) after orders ~~had~~ have been passed on his representations by the proper authorities.

4. A draft order is submitted for approval. Public may perhaps see before issue.

PB 27.7.37

cw 27.7

BR 30/7

S

[not [illegible] for [illegible])

16 37/678

C.F 17.

DRAFT FOR APPROVAL. HOME DEPT.

	Date.	Initials.
When received for fair copying ..		
When copied ..		
When examined..		
When signed ..		
When despatched.		

SUBJECT:—

MEMORIAL- K.Krishna Bhatji, clerk and shorthand writer, District Munsif's Court, Kundapur - Permission to draw shorthand allowance as personal pay - Rejected.

READ AGAIN 2219 Home, dated 10.6.37. 19

" " " 19

READ *ALSO*:—

No. 7113 From the High Court, R.O.C., No. 1241-37 D-2 dated 16.7-19 37.

" " " " 19

" " " " 19

Order Ms. No. 3076, dated 6.8. 19 7

para 24, p. 7

The memorialist requests

(1) that he may be permitted to draw shorthand allowance as personal pay on promotion to higher posts, even though he may not continue to do shorthand work; and

(2) that the irregular promotion of certain juniors may be set right

His first request ~~in (1) above~~ is inadmissible and cannot be granted. With reference to his second request, ~~in (2) above~~ he may appeal ~~to Govt.~~ if necessary after the proper authorities have passed orders on his case.

RB 27.7.37 2717

To the Hon. the C.J. (with c.1)

Dpd. by an Post Manager

Dr. initials.

Date 193